



Planning Committee

**Monday, 2nd September, 2019 at 9.30 am
in the Assembly Room - Town Hall, Saturday Market
Place, King's Lynn PE30 5DQ**

Reports marked to follow on the Agenda and/or Supplementary Documents

1. Receipt of Late Correspondence on Applications (Pages 2 - 15)

To receive the Schedule of Late Correspondence received since the publication of the agenda.

Contact

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**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE
PUBLICATION OF THE AGENDA AND ERRATA**

Item no. 8/1(a) Page No. 8

CORRECTION

Appendices for 19/00597/FM are attached as Late Correspondence.

Third Party: OBJECTION – One item of correspondence received raising the following points:

- The access to the site will cause major upheaval for the elderly residents in Prince Henry Place.
- It will certainly mean more cars using Howdale Rise and Howdale Road, which is used as a cut through to London Road.
- Still no plans for more doctors surgeries or schools.
- Impact on wildlife – deer and foxes.

Item No. 8/2(c) Page No. 42

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance:
NO OBJECTION subject to condition to ensure that noise and vibrations from the gym use above are suitably mitigated.

Additional condition and reason:

5. Condition No apartment shall be occupied until a detailed scheme for sound and vibration insulation of the dwellings has been submitted to, approved in writing by the Local Planning Authority, and implemented as agreed. The implemented scheme shall be thereafter maintained as such.

5. Reason In order to secure appropriate sound and vibration mitigation measures in the interests of the amenities of future occupiers, and to accord with the NPPF and Policy DM15 of the SADMPP.

Item No. 8/2(f) Page No. 73

Agent: Submission of Supporting Case for the proposed development:

"This application has arisen as part of the applicants succession planning which has identified a need to provide a dwelling associated with the farm. As part of this assessment the judgement was taken to improve the current set-up and consolidate on to one site and resolve a number of issues that the farm has faced for a number of years. Following consultations and the updated NPPF the wording of Paragraph 79 a) supports this approach as it will meet the essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. We believe that the introduction of those taking majority control strongly supports this application and indeed a dwelling is needed with the business to meet its needs and to ensure that the farm is sufficiently attractive to allow succession planning to occur and the farm business of Alan Askew and Son, which has been established for over 40 years can continue to operate and grow. This is outlined in the letter provided by Cruso and Wilkin issued in January 2019.

The current functional farming need is met by Mr and Mrs Askew's current dwelling along Moyses Bank which allows Mr Askew to reside close to the current yard and meet its functional need.

The operational set up of the farm has (as many farms) formed organically and is far from ideal requiring numerous visits to the existing farm yard from Mr and Mrs Askew's current home at all times of the day and night and seven days a week. The frequency of visits significantly increases during time of harvest and storage of crop to ensure that the crop meets the required quality and moisture content without risk of loss of the crop due to machinery failure, which would have a significant impact on the profitability of the business. In addition to this there are security issues that require attention and although not a justification for meeting functional need the security issues and risk of rural crime add weight to the need to be close by or at the farm yard. This application will address this allowing consolidation of the yard and functional dwelling on to a single site, which will also significantly reduce vehicle movements.

The fact that Mr and Mrs Askew have always had to live at or near their place of work since working in the farm business demonstrates that a dwelling is needed for the business. The location of the applicants dwellings throughout the years has always been determined by the requirement to meet the business needs and keep the farm operational. As such, this continual operation and running of the farm business with the applicants dwelling at or near the farm yard over 40 years demonstrates that the functional and operational needs are met. The continued success of the business will require a dwelling associated with the farming business to continue to meet the functional need, allowing the next generation to continue the business, key to which is the new yard, grain store and dwelling as previously outlined.

The typical requirements of running the farm on a day to day basis to ensure its successful operation are:

The grain drying and conditioning is done by a 50 hp Reco fan driven by a 120hp ex-combine 6 cylinder Perkins diesel engine. The relative humidity is controlled by a single phase calor gas burner. The farm is unable to use electric driven fans because there is no three phase electricity in the vicinity of the current yard. Consequently, the applicants are unable to use an automatic system to control the operation of the drying equipment. The result of which is that the applicant needs to visit the site continuously throughout the day seven days a week.

Typical operation of drying/conditioning equipment during harvest:

- Dryer started at 06.00 hours each morning and stopped at 23.00 hours, seven days per week – this is currently undertaken by Mr Askew along with the associated travel to and from the farm yard.
- It's crucial to reduce the moisture content of the grain to 14.5% and maintain this level to prevent the grain heating and infestation of insects which will ruin the crop and render it unmarketable
- The humidity is monitored approximately seven to eight times daily as is the equipment. This requires Mr Askew to visit the site 7-8 times per day to undertake these operations.
- These operations continue into autumn.

Autumn to Spring (October – May):

- The cooling phase is crucial to reduce the temperature of the grain to below 10 degrees C. and maintain.
- Once the grain is below 10 degrees the insects are not active.
- The fan operates between 06.00 and 23.00 hours seven days per week – this is currently undertaken by Mr Askew along with the associated travel to and from the farm yard.

As part of these typical operations it is essential that the site is monitored regularly throughout each day to ensure optimal conditions for storage are maintained for the protection of the crop

and to ensure that the diesel equipment is operating safely and not causing any issues. In addition, there are occasions that the equipment is required to be operated throughout the night, however, this is avoided as far as practical due to the relationship between the current dwelling and farm yard and also to minimise any disruption of the residential neighbours of the yard.

The existing yard is located on Middle Drove in a cluster of around 5 dwellings and the yard operations cause noise and disturbance to the neighbours particularly during harvest when the site can be operational 24/7. This has resulted in discussions and complaints from the nearest site neighbour to which the exiting yard is currently located to the West of. There have been numerous complaints to BCKLWN from the farm yards neighbour over the years the council has recorded a few of these as July/August 1996, August/November 1999, May 2015, August 2015. We believe that there have been more complaints than this, however, the client does not have a record of these.

The existing yard also has a number of constraints that are restricting its growth and use as a farm yard, hampering the business objectives. In addition to the close proximity of residential neighbours and the applicants desire to not adversely impact on their neighbours amenity, there is a high pressure gas main to the North, high voltage cables to the North and West, residential properties to the East and poor access visibility on Middle Drove due to land outside of the applicants control.

This application and proposal forms part of the longer term plan of completely relocating the farm yard from Middle Drove (where it is next to a number of dwellings) to Moyses Bank where it will not be located adjacent to any residential properties and will not cause noise and disturbance to its neighbours. The first step in developing this new yard location is the construction of a new grain store and tied dwelling. Also, to demonstrate a clear intent for this to occur a permitted development application for new agricultural buildings at the proposed site has been submitted. This will provide sufficient capacity for the continued operation of the farm and we trust this application demonstrates the intent to consolidate operations in a single location for improved efficiency and to alleviate the pressures of needing to visit the yard seven to eight times a day seven days a week from 0600 to 2300 hours.

Following conversations with the National Farmers Union (NFU) it is understood that the lobbying around this change to the NPPF was undertaken for precisely this type of application and that the functional need is met as it is intrinsic to the succession planning of the business. Key to this succession planning is securing a dwelling, grain store and new yard. Without this, it is highly unlikely that Mr and Mrs Askew will find someone to take majority control of the business, therefore, the functional need of the business at present (combined with the other needs identified by Cruso Wilkin as part of the application) is to secure consent for a tied dwelling, grain store and yard to allow the business to be passed on.

We also note the Highways Officer comments with regards to their preferred location of the farm yard and road widths. However, after an assessment of the business it is felt that the proposed location is the best place for the business as it has easy access to all current acres, provides adequate space for future growth of the business if needed and it re-uses the site of a former farm yard and dwelling. Comments with regards to road width are noted, however, this road is regularly used by the farm without issue with all of its machinery and the fields accessed from this road have capacity for around 4000 tonnes of sugar beet. We believe that the addition of a single dwelling in this location will not cause highways safety issues or harm and this has been accepted by the Highways Authority with other dwellings completed in the area in recent times.

As noted the application passes the sequential test in terms of flood risk and as outlined previously there is a clear functional need demonstrated for a full time worker to live on the farm and the dwelling is technically compliant and therefore we consider the exception test has also been met.

In relation to the officer's comments with regards to the distance of the application and the

current site as previously noted the intention is to consolidate on to a single site along Moyses Bank. This will significantly reduce vehicle movements. In the interim the proposed dwelling will serve the current yard, which is around 1.9 miles away, 0.7 miles closer than Mr and Mrs Askew's current dwelling and Smeeth Road. As noted in the officer's report there are other dwellings available a similar distance from the farm yard, however, these are cost prohibitive for the business at £715,000 and £635,000. The barn conversion for sale close to Mr and Mrs Askew's house is no longer on rightmove. As such, we agree with the officer that there are no suitable alternative dwellings available.

We are aware of similar approvals within the area whereby dwellings have been approved to support the businesses; there are 16/00773/F (13/01821/F), which is Marshland Service Centre where a dwelling was approved associated with a mechanics garage and MOT testing station and 16/00805/O, which is for a horticultural business. We feel that this application shares the merits of these approved applications and should also be supported.

The application has local support, no local objection, Parish Council Support, NFU support and Local Councillor Support and we believe that this application has a number of positive benefits for the sustainability of the business as well as enhancements to residential dwellings while meeting Local and National Planning Policy. The proposal will consolidate the farm yard and farm house on one single site allowing the farmer to be within sight and sound of the yard and buildings, will reduce vehicle movements, improve security and allowing improved monitoring of crop to reduce potential losses, improve the farms operational efficiency and profitability thereby supporting a rural enterprise, and will be located to avoid causing disturbance to residential neighbours."

Marshland St James Parish Council:

Does not feel that it is necessary to send a representative to the meeting of the Planning Committee, but would like the Committee to know that we supported the application and continue to do so.

Item No. 8/2(g) Page No. 85

Walsoken Parish Council:

Additional comments submitted for Planning Committee consideration:

"1. The plot of land for this application is approximately 21 metres wide, and falls between an existing established row of ten houses and bungalows to the west side, and a number of commercial buildings and three further dwellings to the east side.

2. The plot is set back a little from the B198, due to an historical re-routing of the old A47, (now the B198), to avoid the nasty S bends in what was originally the A47, and therefore the development would have no negative impact on the road users.

3. No new access was being requested onto the B198, as access would be via the redundant section of S bends carriageway, which is maintained for access to the existing properties to the east of the proposed plot. In fact the application would use the existing access to the commercial building on the east side and next to the proposed development.

4. The proposed dwelling was well thought out and planned and was well proportioned to the plot of land.

5. There is a footpath to Wisbech, that starts in front of the proposed plot, to enable people to walk to the nearest bus stop or Wisbech. This is well lit by the historical A road street lighting,

which still exists and is lit during dark hours.

6. The area is well maintained by the residents, and the proposed property would only enhance the locality."

Agent: In response to remarks made by the Officer in his report to committee:

The proposed site is connected via pavement to Walsoken and Wisbech. The NHS recommends a brisk walk for at least 10 minutes a day as a minimum. 1000m is easily achievable and should be encouraged, rather than car use for both health and environmental benefits.

The officers consider this small sandwiched parcel of land to be countryside, and indeed may refer to a planning appeal from 1992; this was 27 years – a generation ago. Since this time lots of applications / works have gone on in the immediate area, most recently a petting farm with its new access onto Lynn Road directly opposite.

We consider this to be a viable application, given its existing access, proximity to local amenities and its siting in flood zone 1.

Assistant Executive Director's comments:

There is a more recent appeal relating to application ref: 09/00407/O, for the construction of a dwelling between Copper's Nook (Old Police House to the immediate west) and No. 10 S-bend, Lynn Road. Copies of the appeal decision and proposed plans are attached to Late Correspondence for ease of reference. The Planning Inspector clearly determined at Paragraph 5 that "the use of a private car would inevitably be more convenient and practical" and concluded that "the proposal would not represent a sustainable form of development."

The conclusions of the Inspector remain pertinent.

A further application was submitted on that site under ref: 14/00260/O, which was also refused (in April 2014) on the grounds of sustainability but this was not appealed.



Appeal Decision

Site visit made on 29 May 2018

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities

Decision date: 11th June 2018

Appeal Ref: APP/V2635/W/18/3195074

Land south of Prince Henry Place, Downham Market, Norfolk PE38 9BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Bob Fidock against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 17/00581/FM, dated 4 February 2017, was refused by notice dated 8 November 2017.
- The development proposed is described as '19No 2 and 3 bedroom dwellings with associated garages/parking, access road, landscaping and open space. This provides a mix of 15No market sale dwellings and 4No affordable high quality dwellings'.

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. An application for an award of costs was made by Mr Bob Fidock against King's Lynn and West Norfolk Borough Council. This application will be the subject of a separate Decision.
3. The appeal has been submitted with the two layout drawings presented to the Council. The most recent revision does not indicate a pedestrian route into Howdale Rise. It is not entirely clear why this entrance is necessary as pedestrians would end up in the same place and the route from Howdale Rise would not be quicker or more direct than that from Prince Henry Place. As such, I have based my assessment on layout drawing 3023/P02 Revision H.
4. The main issues in this appeal are the effects of the proposed development on: 1) The character and appearance of the area; and 2) The living conditions of the occupants of the properties in Prince Henry Place, with particular reference to noise and disturbance from construction works and subsequent occupation.

Reasons

The effect on the character and appearance of the area

5. The appeal site encompasses part of a small overgrown paddock located to the south-east of the town centre. It is currently accessed from Prince Henry Place through a field gate. The development to the north and east encompasses a conventional and reasonably homogeneous residential estate the scale and form of which is nearly all bungalows. The appeal site is predominately viewed in the context of this estate development as it is necessary to travel through it

to access it. Furthermore, public views of the appeal site from outside the estate from the west are from some distance across a playing field and there are very limited views of it from Ryston End, a private residential street to the south. The properties in Ryston End sit in large generously landscaped plots and exhibit a mixture of different forms, styles and heights.

6. The Council's Planning Brief 15 published in 1999 provides a brief for the development of the appeal site. It was published to supplement the residential allocation of the appeal site in the King's Lynn & West Norfolk Local Plan 1998. The local plan is no longer extant and the site is no longer allocated. As a consequence, the brief has no formal status. Nevertheless, it makes some useful observations and was informed by public consultation. It sets out a design concept for the development and states that '*much of the neighbouring development consists of bungalows in relatively small gardens and this suggest the site will be best developed with single storey housing although there may be opportunities for two storey development in the southern part*'. Having seen the site, I see no reason to take a significantly different approach, particularly as this analysis provides sufficient flexibility for a contextual response without copying the form of the adjacent development.
7. The appeal scheme is for the erection of 19 homes. Two bungalows would be located to the north of 82 Ryston Road but the rest of the properties would be chalets or two storeys tall and this would be at odds with the broad scale of development to the north and east. Thus, the development would appear as a strident enclave of compact two storey development between an estate of mainly single storey properties to the north and west and the more spacious and verdant residential development to the south. As such, it would not respond adequately to the spacious character of development in Ryston End or the single storey form of development in Howdale Rise and Prince Henry Place.
8. In particular, Plots 3 and 4 and 5 and 6 would be particularly noticeable as they would be located towards the north-eastern corner of the appeal site. These properties would appear particularly stark in views from Howdale Rise as they would be located next to bungalows and viewed in the context of a cul-de-sac of single storey properties. The landscaping around the site's boundaries would provide a form of visual divide with the adjoining development but its effectiveness would be limited in winter months and landscaping should not be used to screen unacceptable development as it may fail or die in the future.
9. Some attempt has been made to integrate the proposed development with its surroundings. For example, the chalet style properties are intended to act as a visual bridge between the single storey development in Prince Henry Place and the taller development within the appeal scheme. However, a street scene elevation has not been submitted demonstrating how the chalet properties would sit against the bungalows in Prince Henry Place and therefore it is difficult to gauge how successful the design concept would be. In addition, the development would have a simple estate layout and the pavements would continue through from Prince Henry Place. In this respect the proposal would respect the layout of the development to the north but this would not outweigh the other limitations I have identified.
10. I therefore conclude that the appeal scheme would harm the character and appearance of the area. The proposal would therefore be contrary to Policy DM15 of the Site Allocations & Development Management Policies Plan 2016

(DMP), which states the scale, height and massing of a development should respond sensitively and sympathetically to the local setting of adjacent streets. The proposal would also be at odds with Policies CS04 and CS08 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy 2011, which have similar aims. The Core strategy pre-dates the National Planning Policy Framework but Policies CS04 and CS08 are consistent with Paragraphs 17 and Section 7 therein. As such, any conflict with them can be afforded significant weight.

The effects from noise and disturbance from construction works and occupation

11. The properties in Prince Henry Place are part of a sheltered housing development. Some of these dwellings front onto the road that vehicles entering the appeal site would need to travel along. These properties are set back from the edge of the carriageway behind generous front gardens and integral garages. Only a handful of the windows in these properties face onto the road. This configuration does not suggest the properties in Prince Henry Place would be particularly susceptible to noise and disturbance from an increase in traffic. Nevertheless, I understand that the occupants of these properties are elderly or less able and therefore exposure to noise and disturbance could be of greater concern, especially as they may spend long periods at home.
12. The noise and disturbance emanating from construction works would be time limited but it has not been clarified in the submissions how long the construction phase would last. The Council's submissions suggest it could be in the region of two years and the appellant has not disputed this contention. Two years is not a short period of time to live with excessive noise and disturbance but I have seen nothing of substance to suggest the construction activity would be excessively noisy for long periods. Instead, construction activities would ebb and flow. For example, internal fitting out may not be as noisy as ground works and heavy vehicles, such as delivery lorries, may be a daily occurrence but are unlikely to be a constant feature throughout the day.
13. Had the scheme been otherwise acceptable then a planning condition could have been imposed requiring the submission of a construction management plan prior to the commencement of development. The plan would have addressed matters such as the hours of operation, areas for parking and storage and when deliveries would take place. Such a condition would have been necessary given the proximity and apparent sensitivity of the occupants of Prince Henry Place to noise and disturbance. Both the appellant and the Council's Planning Officers agree on the necessity of such a condition.
14. However, the Council has not provided any substantive evidence, including any expert opinion, which suggests the construction noise and disturbance would be so severe that a construction management plan would not amount to adequate mitigation. Instead, the Council's Community Safety and Neighbourhood Nuisance Officer did not object to the proposal because such a condition could be imposed.
15. The evidence before me suggests it is uncommon for an estate road to go through a sheltered housing scheme but in this instance the appeal site was previously allocated for residential development in the superseded local plan. It seems somewhat inconsistent for the Council to now take the view that the construction of a residential development within the site would now result in

harmful levels of noise and disturbance to nearby residents. I accept that the site is no longer allocated but this is because it is within the settlement boundary of Downham Market where the principle of development is acceptable within the context of the extant DMP. It is a point of note that the Planning Brief referred to earlier does not make reference to potentially harmful noise impacts from the construction or occupation of development within the site.

16. In respect of occupation, the appeal scheme would result in more vehicle trips passing outside the properties in Prince Henry Place but these would be confined to an existing road upon which there is already traffic. The properties in Prince Henry Drive benefit from garages and off road parking so the movement of vehicles within the cul-de-sac is already part of its character. Substantive evidence has not been presented to suggest the occupation of the proposed dwellings, including the use of the rear gardens, would result in untypical levels of noise when considered relative to the existing residential properties nearby, such as those in Howdale Rise, which have rear gardens close to some of the sheltered housing without there being any ostensible noise nuisance.
17. In conclusion, subject to the imposition of a suitably worded planning condition, the construction and subsequent occupation of the appeal scheme would not result in harmful levels of noise and disturbance. Thus, a conflict with Policy DM15, in so far as it seeks to prevent significant adverse noise impacts, would not occur.

Other Matters

18. The appeal scheme would provide economic benefits to the construction industry through jobs and the circulation of funds. In addition, the properties would be located close to the town centre and therefore future residents could walk or cycle to facilities and spend locally. Moreover, a planning obligation has been submitted with the appeal scheme that would secure the provision of four affordable homes. This is necessary in order for the proposal to adhere to Policy CS09 of the CS. Nevertheless, these benefits could be achieved with a scheme that better reflects its context and therefore they are not determinative points in favour of allowing the appeal.
19. Various concerns have been raised by interested parties including inadequate health and educational infrastructure, the loss of an open space, the risk from flooding and the impacts upon highway safety, biodiversity and the privacy and outlook of neighbours. However, given my overall conclusion it has not been necessary for me to consider these matters further as the appeal has failed on a main issue.

Conclusion

20. The appeal scheme would not harm the living conditions of nearby residents but it would harm the character and appearance of the area. Thus, it would be contrary to the development plan as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, I conclude the appeal should be dismissed.

Graham Chamberlain

INSPECTOR



Costs Decision

Site visit made on 29 May 2018

by Graham Chamberlain BA (Hons) MSc MRTPI

Decision date: 11th June 2018

Costs application in relation to Appeal Ref: APP/V2635/W/18/3195074 Land south of Prince Henry Place, Downham Market, Norfolk PE38 9BL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Bob Fidock for a full award of costs against King's Lynn and West Norfolk Borough Council.
- The appeal was against the refusal of planning permission for a development proposal described as '19No 2 and 3 bedroom dwellings with associated garages/parking, access road, landscaping and open space. This provides a mix of 15No market sale dwellings and 4No affordable high quality dwellings'.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Irrespective of the outcome of the appeal, the National Planning Practice Guidance (PPG) states that an award of costs may only be made against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellant has suggested that the Council's reasons for refusal were vague and without substance and therefore it has prevented development that should have clearly been permitted. Thus, the Council's decision has resulted in the appellant being put to wasted expense in pursuing an unnecessary appeal.
4. The Council's first reason for refusal relates to the design of the appeal scheme and states that the proposed development would not be of a high quality. This is a rather vague assertion that went against the advice of the Council's Planning Officers. However, when the Council's submissions are considered as a whole it is apparent that the concerns relate to the scale of the proposed development and the relationship it would have with its surroundings. In particular, the predominance of two storey properties next to an estate generally comprising bungalows. I share the Council's concerns in this respect.
5. The Council's reservations could have been better articulated in the reason for refusal but it ultimately put forward a cogent explanation as to why it found the appeal scheme to be unacceptable. Moreover, the Members of the Council's planning committee had visited the appeal site, debated the proposal and referred to relevant development plan policies. Matters of design also have an element of subjective planning judgment. Consequently, the Council's first reason for refusal did not amount to a substantive failing.

6. In respect of the Council's second reason for refusal, the Members of the Council's planning committee came to the view that the construction and subsequent occupation of the proposed dwellings would harm the living conditions of the residents in Prince Henry Place through unreasonable levels of noise and disturbance. The Members of the committee arrived at this conclusion based on its local knowledge and the representations submitted by interested parties. However, in doing so it has not adequately explained why this outweighed other substantive matters.
7. In particular, Members of the planning committee took this view against the advice of its planning officers, who were informed by specialists in the Council's Environmental Health and Housing Team. It is unclear why. Moreover, it is not apparent that the Members of the committee properly considered the possibility of imposing a planning condition requiring the submission of a Construction Management Plan as recommended by the Planning Officers.
8. In addition, it is entirely unclear why the site, which was previously allocated for residential development, would now be unacceptable due to the noise and disturbance that would be caused from its construction and occupation. The Council has also failed to properly explain why the occupation of the proposed dwellings would be unacceptably noisy when this is not the case with the existing residential development in Howdale Rise. The suggestion that the appeal scheme would be occupied by families, and that families are noisier occupants, is speculative. Members visited the site but they should have gone beyond their own observations, or that of local residents, and considered and weighed all of the evidence before them. It is not apparent that they did and this has led to a conclusion that does not stand up to an objective analysis.
9. As such, the second reason for refusal has not been properly substantiated and the concerns raised were capable of being dealt with through the imposition of a planning condition, a draft of which was before the Members of the planning committee when they considered the proposal. As such, the second reason for refusal was unreasonable. This is a substantive failure that has resulted in the appellant being put to the expense of contesting it as part of the appeal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that King's Lynn and West Norfolk Borough Council shall pay to Mr Bob Fidock the costs of the appeal proceedings described in the heading of this decision in so far as they relate to the Council's second reason for refusal; such costs to be assessed in the Senior Courts Costs Office if not agreed. Mr Bob Fidock is now invited to submit to King's Lynn and West Norfolk Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Graham Chamberlain,
INSPECTOR



Appeal Decision

Site visit made on 25 November 2009

by David M H Rose BA (Hons) MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
3 December 2009

Appeal Ref: APP/V2635/A/09/2111023

Land adjacent to Coopers Nook, S-Bend, Lynn Road, Wisbech, PE14 7AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr I M Chase against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 09/00407/O, dated 3 March 2009, was refused by notice dated 21 May 2009.
- The development proposed is the construction of a dwelling.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The planning application form gives the site address, in error, as Coopers Nook; I have set it out correctly in the heading above. The proposal is also more aptly described as the construction of a dwelling rather than as a residential building plot.

Main Issues

3. The main issues are whether the proposal would represent a sustainable form of development and its impact on the character and appearance of the area.

Reasons

4. Policy SS1 of the East of England Plan seeks to bring about sustainable development through a number of measures including development that is well connected in terms of good transport services and well served in terms of public, private, community and voluntary services. In particular, the spatial strategy seeks to ensure that development maximises the potential for people to form more sustainable relationships between their homes, workplaces, and other concentrations of regularly used services and facilities, and their means of travel between them.
5. It is claimed that the dwelling would be within easy reach of Walsoken, given the presence of a footpath between the site and the village. However, the facilities there would be some 1.5 kilometres away and a significant part of the route would be alongside a main road which carries heavy goods vehicles and fast moving traffic. Alternatively, the journey could be made along a minor road but this lacks pavements and lighting for the most-part. To my mind neither route, in terms of its distance or characteristics, would offer a realistic prospect of regular journeys on foot; and the use of a car would inevitably be more convenient and practical.

6. Moreover, although it is said that Wisbech is accessible by bus no details of routes or timetables have been provided and there was nothing apparent at my site visit to suggest that the site is close to a bus stop.
7. In these circumstances I am in no doubt that the opportunities of securing sustainable means of access between the site and services and facilities for daily living would, at best, be minimal. As such, the proposal would not represent a sustainable form of development; and approval of the project would conflict with Policy SS1 of the East of England Plan.
8. Moving on to the second issue, the appeal site forms part of the established residential curtilages associated with Coppers Nook and 10 Lynn Road. It lies within a recognisable built-up frontage of eleven dwellings and represents a small gap without direct connection with the countryside beyond. On this basis, and taking account of the use of the land as caravan storage behind the plot, I consider that its rural context is marginal.
9. Given that a dwelling could be accommodated to reflect the general plot widths and spacings within the locality I am not convinced that the proposal would have an adverse effect on the character or appearance of the area. I am also satisfied that as a single gap, without direct comparison, there would be no risk of the proposal creating pressure for other similar proposals in the immediate locality. However, my conclusion on this issue is insufficient to outweigh the conflict with Policy SS1 of the East of England Plan.
10. I have considered all other matters raised but I find nothing to outweigh my conclusion to dismiss the appeal.

David MH Rose

Inspector

